

Applicants respectfully request reconsideration of the present application in view of the following remarks.

Claims 1-4, 6-7, 9-12, and 24-26 were rejected under 35 U.S.C. §102(e) as being inherently anticipated by Repolle et al. (U.S. Patent No. 5,828,012). Moreover, claims 5, 8, 10 and 27 were rejected under 35 U.S.C. §103(a) as being unpatentable over Repolle et al. Applicants respectfully traverse these rejections.

As summarized in a previous submission, the present invention is a sound-transmissive protective cover assembly construction which constitutes an improvement over the teachings of the Repolle et al. patent. The improvement in the construction of the present invention is that, rather than having an assembly where the porous support layer covers the entire surface of the protective membrane including the unbonded region, in the claimed invention the protective membrane is not covered by any support layer in the unbonded region and is exposed to the atmosphere, as is depicted in Figures 3-6. Thus, due to the free movement of the unbonded protective membrane absent any support layer, the resulting assembly provides enhanced acoustic performance over the Repolle '012 assembly. This difference in construction is shown schematically in Appendix A of the attached Declaration.

It was stated in the "Response to Arguments" section of the Final Office Action that "the Examiner would like to point out that although Repolle teaches an additional support layer (30), this layer does not touch or obstruct the movement of the unbounded region of the membrane."

During the interview, applicants described and showed by experimental data that the additional support layer of Repolle et al. does, in fact, touch or obstruct the movement of the unbounded region of the membrane during vibration, which negatively affects acoustic (i.e., transmission loss) performance of the assembly. This was demonstrated by the acoustic impedance/transmission loss test described during the interview and shown schematically in Appendix B (page B-1) of the Declaration.

The paths by which acoustic impedance/transmission loss can occur is depicted on page B-2. It was discussed during the interview that the lower the transmission loss, the better the performance of the acoustic assembly device.

Page B-3 of Appendix B to the Declaration shows the test results for Repolle '012 assemblies and for 'captive construction' assemblies of the present invention when tested in the described test apparatus. It is clear from the test results that the 'captive construction' assemblies of the present invention exhibit

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a significantly lower transmission loss compared to the Repolle '012 construction. It was presented and discussed during the interview that the additional support layer in the Repolle '012 construction impedes the movement of the membrane layer and negatively affects transmission loss. Thus, the demonstrations and exhibits shown at the interview address the point raised in the Office Action.

It was further stated in the "Response to Arguments" section of the Final Office Action that the claims of the present application do not teach that the surface of "the protective membrane is not covered by any support layer in the unbounded (sic) region." Applicants submit that the amendments to the claims render moot this position.

II. Conclusion

For the foregoing reasons, the present invention as defined by claims 1-6, 8-12 and 24-36 is not taught nor suggested by the reference of record. Accordingly, applicant respectfully submits that these claims are now in form for allowance. If further questions remain, applicants request that the Examiner telephone applicants' undersigned representative before issuing a further Office Action.

Respectfully submitted,

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Enclosures: Clean Version of Amendments to the Specification and Amended
Claims
Declaration and Appendices

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